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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. No. 3666 / 2005

PETITIONER Saraswati Mahila Swa-Sahayata Samuh, a Registered Society under the provisions of Chhattisgarh Co-operative Societies Act, 1960 having its Registration No.17/1961 through its President, Smt. Vimla Jain W/o Sunil Jain, Aged about 45 years; R/o Katora Talab, Raipur Having Fair Price Shop at Ward No.34/2, Raipur, District- Raipur (C.G.)

P.R. No. 3276/05 Presented by Shri PR Dewangan dated 21/3/05

Versus

RESPONDENTS :

1) State of Chhattisgarh Through Secretary, Food Department, D.K.S. Bhawan, Raipur, District: Raipur (C.G.)

2) The Collector, Food Branch Raipur, District: Raipur (C.G.)

3) The Food Controller, Raipur District-Raipur (CG).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WPRO 3866/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12-8-2005

Shri P. Diwakar, Senior Advocate with Shri P.R. Patankar, Advocate for the petitioner.

Shri Sandeep Dubey, Govt. Advocate for the State/respondents.

Since this writ petition relates to suspension of fair price shop, which was allotted to the petitioner only one month back vide order dated 21-7-2005, on account of violation of some clauses of Public Distribution System (Control) Order, 2004, and also violation of conditions of the agreement entered into between the petitioner and the Licencing Authority, it is being disposed of at the admission stage itself.

I have heard Shri P. Diwakar, learned Senior Counsel for the petitioner.

Learned Senior Counsel for the petitioner submitted that in one day it is said that inspection of 17 shops was carried out. During inspection, the Inspecting Authority noticed that certain registers were not found in the shops as well as fair price display notice board was not displayed and other clauses of Order, 2004 were not being complied with, and also violation of the agreement was noticed. Normally for such minor violation always fine is imposed whereas, in the present case, drastic action has been taken. It was not physically possible to inspect so many shops in one day and it was done within one month from opening of the shops, therefore, action of respondents is arbitrary and too harsh to the petitioners. Therefore, order be stayed.

Clause-18 of the said order provides for an appeal. Even though the word 'suspension' has been used. But, from perusal of the said order,

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the language shows that it is almost cancellation, as such in my considered opinion, the order in question is appealable. Therefore, the petitioner should file an appeal before the State Government, as it is evident from impugned order Annexure-P/3 that the Food Controller has passed the said order as per the orders of the Collector, within a period of 7 days from today and the State Government should decide the appeal within a period of 1 month from the date of receipt of the appeal in accordance with law after giving opportunity of hearing to the petitioner. In the meantime, till the appeal is decided, shop in question should not be allotted to any other party. With the direction aforesaid, the above writ petition stands disposed of. In view of this order, M.(W.)P. No.3088/2005 and I.A. No.6923/2005 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	
Barve		